

Excerpts
Planning Commission Minutes
April 14, 2004

Application No. UP-633-04, Colson & Colson Construction Co: Request to amend a previously approved Special Use Permit pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance. The original use permit authorized the establishment of a 118-unit senior housing-congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17, and further identified as Assessor's Parcel No. 24-63-2. The proposed amendment would allow a driveway connection between the congregate care facility and the entrance on Route 17 that currently serves McDonald's restaurant. The property is zoned GB (General Business) and is designated for General Business development in the Comprehensive Plan.

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Mr. Tim Cross, Principal Planner, summarized the staff report dated March 22, 2004, in which the staff recommended approval.

Mr. Ptasznik asked the purpose of the proposed driveway. **Mr. Cross** explained that the current property owner had long ago made such a driveway a condition of selling the property.

Chair Andrew Simasek opened the public hearing.

Mr. Donald Davis, Davis & Associates, 3630 George Washington Memorial Highway, spoke as representative of Memorial Highway Associates, property owner. **Mr. Davis** explained that during his meetings with the owner's attorney a long series of contractual obligations were discovered, including a stipulation to connect Route 17 to the subject parcel and connect back to the access road immediately adjacent to Fort Eustis Boulevard.

Mr. Simasek inquired about ownership of the proposed connecting driveway. **Mr. Davis** said the driveway would be owned by the current or future owner of Lot 2B, but the applicant's senior housing facility would be allowed to use it. **Mr. Simasek** postulated that if Lot 2B were the eventual site of another use, such as a fast food restaurant, easy access to that use would be a cut through the congregate care facility property. **Mr. Davis** agreed there is nothing in this proposal to prevent that, but noted that the route to this lot from Fort Eustis Boulevard would be

somewhat circuitous, involving several sharp turns, thus reducing its appeal as a cut-through and limiting the speed of such traffic. He added that the property owner sees the driveway as “a safety valve.”

In answer to **Mr. Ptasznik’s** concern as to the purpose, **Mr. Davis** noted the owner is out of the country and he did not know why the agreement was initially signed. **Mr. Barba** suggested it was a means to provide for a service road tying the three parcels together.

Mr. Ptasznik asked if the congregate care facility might post a sign or barrier to keep through traffic out. He didn’t want to see a lot of traffic directed onto that property. **Mr. Carter** said there does not appear to be a prohibition against a sign or barrier.

Mr. Harvell asked if the sewer line enters the property from Route 17. **Mr. Davis** said there is no sanitary sewer available off Route 17, but a sewer extension appropriate to the size of both parcels would be provided.

Chair Simasek closed the public hearing.

Mr. Barba moved adoption of Resolution PC04-8.

PC04- 8

On motion of Mr. Barba, which carried 5:0 (Messrs. Davis and Heavner absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A DRIVEWAY CONNECTION BETWEEN GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17) AND AN APPROVED SENIOR HOUSING CONGREGATE CARE FACILITY ON FORT EUSTIS BOULEVARD (ROUTE 105)

WHEREAS, on October 21, 2003, the York County Board of Supervisors adopted Resolution No. R03-169 approving Application No. UP-622-03, which requested a Special Use Permit to authorize the establishment of a 118-suite senior housing congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17 and further identified as Assessor’s Parcel No. 24-63-2; and

WHEREAS, Colson and Colson Construction Company has submitted Application No. UP-633-04, which requests an amendment to the above-referenced Special Use Permit to authorize a driveway connection between the congregate care facility and an existing entrance on Route 17 that currently serves McDonald’s restaurant; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of April, 2004, that Application No. UP-633-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the conditions set forth in Resolution No. R03-169, adopted by the Board of Supervisors October 21, 2003, authorizing a Special Use Permit for the establishment of a 118-suite senior housing congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17 and further identified as Assessor's Parcel No. 24-63-2 subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a 118-suite senior housing congregate care facility on an 8.23-acre portion of a 10.4-acre parcel located on Fort Eustis Boulevard (Route 105) approximately 240 feet west of its intersection with Route 17 and further identified as Assessor's Parcel No. 24-63-2.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the conceptual plan entitled "Yorktown Congregate Care Facility," prepared by Curry Brandaw Architects and dated July 28, 2003, supplemented by the project narrative submitted by the applicant, except as modified herein.
3. Access to Route 17 via a driveway connection from the proposed congregate care facility to the proposed eastern property boundary as depicted on the plan titled "Site Plan: Yorktown Retirement Residence," prepared by Curry Brandaw Architects, dated November 11, 2003 and revised February 16, 2004, shall be permitted.
4. Development of the property shall be subject to the provisions of the Watershed Management and Protection Area overlay district set forth in Section 24.1-376 of the Zoning Ordinance.
5. The development shall be constructed and operated in conformance with the provisions of Section 24.1-411, Standards for Senior Housing (Housing for Older Persons), of the Zoning Ordinance.
6. A sidewalk or other walkway shall be constructed to provide safe and convenient pedestrian access from the congregate care facility to the developed commercial property to the east (McDonald's restaurant).
7. The maximum number of resident suites shall be 118.
8. In accordance with Section 24.1-260(f) of the Zoning Ordinance, all outdoor lighting in excess of 3,000 initial lumens associated with the development shall be designed, installed, and maintained to prevent unreasonable or objectionable glare onto Fort

Eustis Boulevard and adjacent properties and shall incorporate the use of full cut-off luminaires.

9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that the Commission recommends that these conditions supersede the original conditions of approval set forth in Resolution No. R03-169, adopted by the Board of Supervisors on October 21, 2003.